

(2019) 12 DEL CK 0271

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6682 Of 2019

Sandy Shokeen

APPELLANT

Vs

State & Ors

RESPONDENT

Date of Decision : 23-12-2019

Acts Referred:

Citation : (2019) 12 DEL CK 0271

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Avadh Kaushik, K.K. Ghai, Ankit Singh

Final Decision : Allowed

Judgement

Suresh Kumar Kait, J

CRL. M.A. 43426/2019

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

CRL.M.C. 6682/2019

3. Vide the present petition, the petitioner seeks direction thereby quashing FIR No. 97/2012 dated 12.05.2012 registered at Police Station - Nihal Vihar and all other proceedings emanating therefrom.

4. Notice issued.

5. Notice is accepted by learned APP for the State and counsel for the respondent nos. 2 & 3.

6. With the consent of the counsel for the parties, the present petition is taken up for final disposal.

7. The present petition is filed on the ground that the parties have settled their

disputes and the respondent Nos. 2 and 3 have no objection if the present petition is allowed.

8. The petitioner and respondent nos. 2 & 3 have entered into an amicable settlement vide settlement deed dated 21.12.2019, whereby petitioner has agreed to pay an amount of Rs. 5,00,000/- (Rupees Five Lakhs) to the respondent No. 2 and an amount of Rs. 25,000/- (Rupees Twenty Five Thousand) to the respondent No. 3 (injured). A demand draft bearing No. 018261 for an amount of Rs. 5,00,000/- (Rupees Five Lakhs) has been handed over to respondent No. 2 and demand draft bearing No. 018262 for amount of Rs. 25,000/- (Rupees Twenty Five Thousand) has been handed over to respondent No. 3.

9. Respondent Nos. 2 and 3 are personally present in Court with learned counsel - Mr. Ankit Singh, Advocate and they have been identified by SI Hemant Kumar/ IO and submits that matter has been settled and they do not wish to prosecute the matter any further.

10. Learned APP has opposed the present petition and submits that the settlement amount is very less and moreover, the case was registered in the year 2012, due to which the Government machinery came into force and public time has been wasted. It is prayed that if this Court is inclined to quash the FIR, the compensation amount may be increased and heavy cost may be imposed on the petitioner.

11. Learned counsel appearing on behalf of the petitioner, on instructions from the petitioner, who is present in the Court, has come forward to pay an amount of Rs. 5,00,000/- (Rupees Five Lakhs) in favour of the respondent No. 2 and Rs. 25,000/- (Rupees Twenty Five Thousand) to respondent No. 3/ injured within two days in addition to the amount, which has already been paid. The petitioner is, accordingly, directed to pay an amount of Rs. 5,00,000/- (Rupees Five Lakhs) by Demand Draft in favour of the respondent No. 2 and an amount of Rs. 25,000/- (Rupees Twenty Five Thousand) in favour of the respondent No. 3 within two days and receipt of the same shall be furnished to the IO of the case.

12. Learned counsel for the petitioner prays that the present petition may be allowed.

13. Keeping in view the settlement arrived and the said amount, as directed to be paid, this Court is inclined to quash the FIR No. 97/2012 and emanating proceedings thereto.

14. For the reasons afore-recorded, the FIR No. 97/2012 dated 12.05.2012 registered at Police Station - Nihal Vihar and all other proceedings emanating therefrom are quashed.

15. The petition is allowed and disposed of accordingly.

16. Order dasti.